

JUN 28 2006

JUN 2 1964  
U. S. DISTRICT COURT  
EASTERN DISTRICT OF  
ST. LOUIS

4:06CV7355NL

Plaintiff

**Cause Number: CV735SNL**

**ST. LOUIS II RETIREMENT RESIDENCE LLC**

**d/b/a LAKEVIEW PARK RETIREMENT**

RESIDENCE, by

**Registered Agent: C T CORPORATION SYSTEM**

120 South Central Ave.

**Clayton, MO 63105**

Defendant

**COMES NOW**, Plaintiff Pauline K. Tallman and for her cause of action, states as follows:

2. That on or about the 6<sup>th</sup> day of June, 2005, and for a period of time prior thereto, Defendant herein was an occupier with an interest in real property situated in the County of St. Louis, State of Missouri, and operated a retirement home on the property located at 1393 Bowles Ave. Fenton Missouri.

3. On or about June 6<sup>th</sup>, 2005, Plaintiff was a resident and business invitee of Defendant at the Defendant's retirement home and passenger standing in the passenger elevator of said premises when another resident entered the elevator, and as he was entering the elevator, the elevator door prematurely closed tripping him and causing him to fall against Plaintiff, knocking Plaintiff to the

floor.

4. That Plaintiff's fall was caused as a direct result of the negligence of Defendant herein in the following respects, to wit:

(a) At all times herein mentioned the elevator and the door assembly were under the management and control of the Defendant; Defendant had superior knowledge and means of information as to the cause of the occurrence; and the premature closing of the elevator door resulting in injury to Plaintiff was such as does now ordinarily happen if those in charge use due care.

(b) That Defendant knew or should have known that it had inadequate elevator facilities on the premises and by reason thereof there was overcrowding of the elevators and especially the elevator on which Plaintiff was a passenger causing jostling and pushing by some residents, making the elevators unsafe.

(c) Defendant negligently and carelessly failed and omitted to furnish Plaintiff with a reasonably safe place to enter and use the elevator on the premises.

(d) Defendant caused and permitted other residents to use the facilities of the residence at a time when defendant knew, or should have known that they were dangerous and likely to injure other residents and specifically plaintiff.

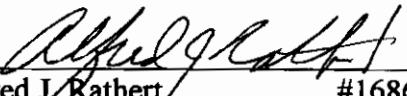
(e) Defendant negligently and carelessly failed to warn Plaintiff of the dangerous condition aforesaid, although it knew or should have known that said dangerous condition existed.

5. That at all times herein mentioned, Plaintiff was using reasonable care for her own safety, and did not know of the unsafe condition of said premise.

6. As a direct result of the negligence of the Defendant as aforesaid, Plaintiff sustained a head injury and brain hemorrhage, and the tissues and nerves, thereof were injured; and rendered

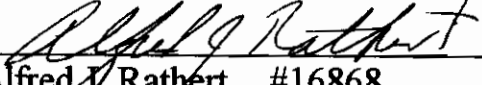
both painful and disabling; that Plaintiff's ability to work, labor, earn wages and enjoy life has been and will in the future be impaired and limited. She has and will in the future undergo hospital, medical, and nursing care and surgical operation; all the aforesaid injuries are permanent and the function of use all of said parts has been and will in the future be incurred and limited; she suffered from pain; she has suffered medical expenses and will in the future incur expense for medical, hospital, surgical and nursing care and treatment.

6. That Plaintiff's damages are in excess of Fifty Thousand Dollars (\$50,000.00).  
WHEREFORE, plaintiff prays judgment against Defendant for such sum as is just and reasonable, and for her costs in this proceeding.

  
Alfred J. Rathert #16868  
Attorney for Plaintiff  
334 Skinker Lane  
Fenton, MO 63026  
(636) 343-2088  
(636) 343-8370 (fax)

CERTIFICATE OF SERVICE

This is to certify that a true copy of FIRST AMENDED PETITION - PERSONAL INJURY  
- PREMISES was mailed by U.S. Mail, postage prepaid, to Mary Anne Mellow, One City Center,  
15<sup>th</sup> Floor, St. Louis, MO 63101, Attorney for Defendant, on this 27 day of June, 2006.

  
Alfred J. Rathert #16868  
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